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JAMES MADISON'S NOTES OF DEBATES IN THE FEDERAL CONVENTION OF 1787 AND THEIR RELATION TO A MORE PERFECT SOCIETY OF NATIONS.
By James Brown Scott. New York: Oxford University Press. 1918.
pp. xviii, 149.*

The first half of this little volume is devoted to an excellent *résumé* of the history of the Federal Convention of 1787, primarily in the light of Madison's Notes of the Debates; the latter half points the significance of the issues there dealt with and the actual working of the federal system in their relation to the problems involved in a society of nations. The apparently dominant thought of the author is embodied in the proposition that the Federal Convention "was in fact as well as in form an international conference." Consequently its success justifies belief in the possible effectiveness of arrangements for the solution of international questions and the adjustment of international disputes. The practicability of such arrangements is demonstrated by the effective jurisdiction of the United States Supreme Court in dealing with controversies between states; and the decisions of the Supreme Court have been so explicit in marking the difference between judicial and political cases that "it is therefore a confession of ignorance to maintain that the distinction cannot be laid down with precision."

At the risk of "confessing ignorance" the reviewer ventures to wish that the author had indicated with greater clarity what he conceives to be the essential principle that underlies the Supreme Court's differentiation of political and judicial questions. As a rule, it seems easier to appreciate the distinction than to define it.

But, apart from this difficulty — which perhaps is not insuperable — it is interesting to note the importance which is attached, and very properly, to the direct authority of the central government as explaining the success of the present system when contrasted with the inadequacy of the form of government under the Articles of Confederation.

But does this not indicate that, to be effective, a society of nations must likewise have a direct relation, in the sphere of its authority, to the individual and to all the territory over which it possesses authority? And does not opposition to the proposed "Covenant" result, in substantial measure, from this fact as well as from the fear that a society of nations will inevitably assume, with reference to the nations composing it, a relation similar to that which exists between the United States and the states?

Mr. Scott seems principally concerned with the possible judicial activities of an international authority. But, if the federal experiment in this country is of importance, it would seem to demonstrate that the effectiveness of the judicial branch of the government is necessarily dependent upon competent legislative and efficient executive authority.

And while the reviewer is fully persuaded that some more intimate arrangement among the nations is an entirely practicable means of preventing as well as of disposing of much international discord, it is a sobering thought to reflect upon the futility of judicial effort in the face of a controversy which strikes deep into diverse interests of the community, particularly if it involves a moral aspect. The Dred Scott case should not be overlooked when a society of nations is discussed.

The author's preface bears the historic date "November 11, 1918": it would be interesting to know to what extent his views have altered in the light of subsequent developments.

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* The last fifty pages of the book constitute an appendix made up of the text of the Declaration of Independence, the Articles of Confederation, and the Constitution of the United States.